



**MINUTES OF THE GILA COUNTY  
BOARD OF ADJUSTMENT**

**Thursday, February 16, 2017**

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM  
608 E. Highway 260, Payson, AZ  
9:00 A.M.

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**REGULAR MEETING**

1. The meeting was called to order at 9:02 A.M. by Chairman Don Ascoli.
2. Pledge of Allegiance was led by Chairman Don Ascoli.
3. Roll Call: Therese Berumen did the roll call; Chairman Don Ascoli (in Payson), Mary Lou Myers (in Payson), and Mickie Nye (in Payson) are all present. Travis Williams is absent. A quorum is present.

Community Development Staff Members Present: Robert Gould-Planner, Scott Buzan-Building Official/Interim Director, Margie Chapman Code-Compliance Supervisor/Zoning Assistant and Therese Berumen-Administrative Assistant.

4. Presentation of Certificates: Margie Chapman presented Chairman Don Ascoli with his certificate of appreciation and thanked him for all his hard work and the time he has given the Board. Robert Gould also stated that Mary Lou Myers and Mickie Nye's certificates would be presented at the Planning and Zoning meeting held right after this meeting. He also thanked Chairman Don Ascoli for his dedication to the Board.
5. Review and Approval of the Board of Adjustment Minutes on November 17, 2016. Chairman Don Ascoli asked if there were any changes needed to the minutes. No changes were suggested. Mary Lou Myers motioned that the minutes be approved as is and Mickie Nye seconded the motion. The motion was unanimously approved.
6. **Director/Planner/Board Communication:** At any time during this meeting of the Board of Adjustment, Director Scott Buzan of Community Development, Planner Robert Gould of Community Development and/or the Board may present a brief summary of current events. No action may be taken. No comments.

**Public Hearings:**

7. **V-17-01 Robert Marsh:** An application to obtain a variance to construct a Recreational Vehicle (RV) Shed. The applicant finds that due to the location of a drainage system, that he has very limited options for the placement of this structure. Applicant is requesting a 6-foot side setback and 7-foot front setback. Subject property is located at 3459 N. Foothill Drive, Pine, AZ; Gila County Tax Assessor's Parcel 301-24-071 and is currently zoned R1-D12.

Robert Gould presented the staff report overview. Mr. Marsh has already constructed the RV Shed and is already located on the property. At the current time, as you can see from the photos,

the RV shed is located about 1 foot from the side property line. Mr. Marsh is aware that he will have to move the building because we cannot permit the 1 foot setback. In fact, if you count the eaves of the building, it is closer than 1 foot. Normally this would have been done with an administrative variance, but he also wants a 7-foot front setback, which makes this not available for an administrative variance. It is located at 3459 N. Foothill Drive in Pine, AZ. The parcel is roughly 4 tenths of an acre. It is not located in a FEMA regulated floodplain area, but does have a major drainage issue, which is located on the south side of the property, which does make it difficult to place the RV shed on that side of the parcel. This leaves the current location as the only possible place to place the RV shed because it also cannot be placed in the rear because of the septic system. We have received no complaints on this application. Staff recommendation is for the board to approve. Chairman Don Ascoli asked Robert Gould if he could clarify where the building is located and where the drainage issue was, from the pictures that were submitted in the agenda packet. The location of the RV shed and drainage issue were pointed out to Don Ascoli. Don Ascoli asked if any of the Board members had any questions. Mickie Nye pointed out some questions that were included in Bob Gould's staff report that he thinks weren't addressed. Bob Gould addressed the question, "Does the granting of this variance maintain the general purpose of the Zoning Ordinance?" I don't think this is incompatible to the Zoning Ordinance when you look at the neighborhood as a whole, but it is close to being considered a special privilege. I think the reason he wants to leave it at this location is because he already has the foundation and can just add on to that foundation without building a whole new one there. Mary Lou Myers asked the applicant (Robert Marsh) if he was planning on moving it back. Mr. Marsh stated that they are going to move it back and over. I can't move it back too far because I wouldn't be able to gain access behind my house in case of any emergency's. Mickie Nye asked Mr. Marsh if he was planning on moving it back 7 feet from the front property line. Mr. Marsh said yes, this is correct. Bob Gould stated that he believes the eave that Mr. Marsh has makes it less than one foot from the property line. I would check with Scott Buzan, but I believe that from the eave it needs to be at least 7 feet back. Scott Buzan stated that you can't be closer than 2 feet from the property line. If it is at least 5 feet from the property line, then there is no fire rating that is required. Anything less than 5 feet, is where you get into the difficulties. It is very costly to have something of this nature fire rated. Another concern I would like addressed, is to have the Board make a stipulation that Mr. Marsh can never enclose this structure. Chairman Don Ascoli stated that he like the stipulation that it never be enclosed and asked Mr. Marsh if he was ok with that. Mr. Marsh said yes. Chairman Don Ascoli asked if the Board had any further questions. No further questions were asked.

The meeting was opened to public comment. Chairman Don Ascoli asked Mr. Marsh if he had any further comments and Mr. Marsh said no. No other public comments. The public comment portion of the meeting was closed.

Mickie Nye motioned to approve V-17-01 with the recommendation from staff, that the structure never be enclosed. The motion was seconded by Mary Lou Myers. The motion was unanimously approved.

8. **V-16-07 Larry Waltemeyer:** An application to obtain a variance to construct a 24 X 30 foot garage. This parcel is within the floodway and will also need to obtain permits through the Floodplain Administrator. The applicant is requesting a 6.04-foot front setback and a 4.2-foot side setback. Subject property is located at 414 W. Columbine Rd., Christopher Creek, AZ; Gila County Tax Assessor's Parcel 303-10-048 and is currently zoned GU.

Robert Gould presented the staff report overview. This has been an unusual application. I think the most unusual part of it is that almost the entire lot is located within the floodway. Most likely, from what our floodplain administrator is telling me, is that it is going to be extremely difficult for him to get the engineering to show that he isn't going to have any downstream effects on the water flows in that area. So, there is a likelihood that this may never happen, but he still must get the zoning approval before he can even go through floodplain. I have rounded off the application. I am not going to go out there and measure four hundredths of a foot, so we just rounded it off to a 6-foot front setback and a 4-foot side setback. This will meet the purposes of this application. This parcel is located in Christopher Creek at 414 W. Columbine Road. The zoning on this parcel is GU. It's about a ¼ of an acre. The floodway issue is what really qualifies this for a variance to begin with because it is going to be an extreme hardship on the applicant to get this garage built out there. It can't be built in the rear yard due to the wastewater facilities and cannot be built on the west side of his parcel due to the utility lines running across, as you can see from the site plan. His proposable location is the only conceivable location if he can get floodplain clearance. I had two phone calls from neighbors out in the area that were not opposed to this variance. I had one very unusual phone call, to tell you the truth, I still haven't figured it out. They called me up to say the property line is 7 feet further over than it should be. I am not concerned about that. Although I did put a note in the Trak-It program that we should make sure those side property lines are verified, before we actually issue the permit. The property line location is the responsibility of the property owner. It's not our responsibility to determine where his property lines are. We just can't do that. Evidentially he does have a survey, so we will probably just require a copy of that, when the time comes to permitting this. This person was not opposed to the variance, they just wanted to make us aware. Staff recommendation is to approve this variance as submitted. Chairman Don Ascoli asked if any of the board members had any questions. Mary Lou Myers asked about the location because it is in a floodway, if it will cause the garage to have issues in the future. Robert Gould stated that the applicant is aware of that. He is also aware that it will require engineering. Mickie Nye had a concern about the application stating that it may change from a carport to garage in the future. Jim Huber (has power of attorney for Mr. Larry Waltemeyer) stated that it originally started out as a carport and Mr. Waltemeyer decided that he wanted a garage instead. We have spoken to some engineers and are going to get the engineering done on it, provided we get the variance. Mr. Huber stated that he has been on this project for over a year now and it has changed several times. The location has changed, the size has changed and even the type of structure has changed. We have the location and size to where he wants it and Mr. Waltemeyer stated that he would be open to doing a carport instead of the garage, but would like to do the garage. Chairman Don Ascoli stated that with it being closer than 5 feet, that it would need to be fire rated and asked Scott Buzan if this was correct. Scott Buzan, said yes this is correct. Mary Lou Myers asked if it could sit on a solid foundation or if it had to be elevated because of it being in a floodway. Scott Buzan stated that it would be up to the floodplain administrator. Robert Gould reiterated that whether it was a carport or garage, that it would still require engineering. Chairman Don Ascoli clarified that the variance he is requesting is for a garage, not a carport.

The meeting was opened to public comment. No public comments. The Public comment portion of the meeting was closed.

Mickie Nye motioned to approve variance application V-16-07. The motion was seconded by Mary Lou Myers. The motion was unanimously approved.

9. Adjournment. Mary Lou Myers made a motion to adjourn the meeting and Mickie Nye seconded the motion. The motion to adjourn was unanimously approved at 9:40 A.M.